

REMARKS

Claims 1-10 are pending in this application and under consideration. Claims 1, 9, and 10 have been amended. Support for the amendments to the claims may be found in paragraphs [0006], [0007], [0011], and [0020] of the specification as originally filed. This amendment is believed to place the application in condition for allowance, and entry is therefore respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive.

The final Office Action asserts at page 5, in the second full paragraph that:

The Examiner would like to further emphasize that given the broad claim limitation, of checking if a pre-defined availability status allocated to a recipient is activated, then Tiliiks clearly anticipates this since schedules are used to determine your availability for certain tasks.

This is submitted to be incorrect. The schedule of Tiliiks indicates only when calls *from* particular numbers or parties are to be blocked. Even if the schedule of Tiliiks indicated when an individual was not available, knowledge of the *lack* of availability of an individual still does not amount to knowledge of when that individual *will* be available. Rather, if that individual *neglects* to block calls, they are still not necessarily *available* to receive calls. The only way to know for sure whether they are available to receive calls is to call them or ask them.

Furthermore, in Tiliiks, if you do call them to see if they *are* available you had better place the call from a number that is not being blocked. Thus, to assert that Tiliiks shows a pre-defined *availability* status by blocking calls according to, inter alia a schedule is submitted to be without basis.

Finally, in Tiliiks, even if the called number is on a priority list, and gets through, that says nothing about the availability of any particular recipient. No one, after all, may even be able to answer the phone.

Still, in the interest of compact patent prosecution only, and not for any reason of

patentability, claim 1 has been amended to recite:

Upon receipt of a call and/or message checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated.

The other independent claims have been amended similarly.

The call-blocking feature of Tiliks, in contrast to the amended claims, is incapable of determining whether a particular, i.e. *predetermined* recipient is available to take calls. Rather, even under the terms of the final Office Action's interpretation, although an entire family at dinner may choose to block calls, an *individual* member of that family, i.e. a predetermined recipient would not be able to block calls sent specifically to him or her.

The final Office Action asserts further at page 5, in the second full paragraph that:

Clearly schedules as used in Tiliks is used to determine when a subscriber wants to receive calls.

This is also submitted to be incorrect. The schedule of Tiliks, rather, only shows when a subscriber does *not* want to receive calls. Whether they *do* want to receive calls at *other* times is not given.

The final Office Action asserts further at page 5, in the second full paragraph that:

The Example provided in paragraph [0096] also follows this in which the SCP determines whether the subscriber telephone associated with the call monitoring service, whether the call blocking feature of the service is active according to the time of day, day of week schedule.

Here again, people block calls when they do *not* want to receive them. They may not want to receive them, i.e. be unavailable at other times, even if the calls are not being blocked. The fact that they may not be blocking calls thus indicates nothing about their availability. Further reconsideration is thus requested.

Claim Rejections - 35 U.S.C. § 102:

Claims 1-10 were rejected under 35 U.S.C. § 102(e) as anticipated by US Patent Application Publication No. 2003/0076941 to Tiliks et al. (hereinafter "Tiliks"). The rejection is traversed to the extent it might apply to the claims as amended.

The second clause of claim 1 recites:

Checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated.

Tiliks neither teaches, discloses, nor suggests "checking if a pre-defined availability status allocated to a *predetermined* recipient of the call and/or message is activated," as recited in claim 1, with emphasis added. In Tiliks, rather, calls are connected if the telephone number from which they originate matches no number on a restricted list. In particular, as described in paragraph [0056]:

When the outside telephone number does not match the at least one restricted telephone number, the call is connected between the subscriber telephone number and the outside telephone number. When the outside telephone number matches the at least one restricted telephone number, the call data is stored and entry of the personal identification number is requested.

Since, in Tiliks, calls are connected if the telephone number from which they originate matches no number on a restricted list, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, in Tiliks, if the recipient is not available and the telephone number is on the restricted list, the call is terminated. If the recipient is available but doesn't have the personal identification number and the telephone number is on the restricted list, the call is also terminated. Whether the recipient *is* available makes no difference in Tiliks. In particular, as described in paragraph [0058]:

When the identification number is not the personal identification number, the call is terminated. When the identification number is the personal identification number, the call is connected between the subscriber telephone number and the outside telephone number.

Since, in Tiliks, whether the recipient is available makes no difference, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

All that matters in Tiliks, if the telephone number is restricted, is whether the recipient *has* the personal identification number, not the availability of a predetermined recipient. The recipient may be all ready and waiting to receive the call, i.e. he may be more than available. If he can't produce the PIN, however, he doesn't get to talk. This is to be contrasted with claim 1, which recites "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, Tiliks terminates restricted calls according to the subscriber's restricted call data. In particular, as described in paragraph [0074]:

In particular, the service receives restricted call data from the subscriber,

identifies incoming and outgoing calls by calling party number and called party number, and terminates restricted calls according to the subscriber's restricted call data.

Since Tiliks terminates restricted calls according to the subscriber's restricted call data, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Similarly, in Tiliks, the restricted call data includes, for example, restrictions on calls to and from selected telephone numbers, or groups of telephone numbers. In particular, as described in paragraph [0074] of Tiliks,

The restricted call data includes, for example, restrictions on calls to and from selected telephone numbers, or groups of telephone numbers.

Since, in Tiliks, the restricted call data includes, for example, restrictions on calls to and from selected telephone numbers, or groups of telephone numbers, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, in Tiliks, a call is placed depending on whether the call is being placed to a priority number. In particular, as described at paragraph [0075]:

For example, an outgoing call restriction that disables all calls from the subscriber's telephone after 10:00 p.m. would have as an exception calls to a predesignated telephone number (i.e., a priority number) of a close relative, thus enabling outgoing calls to that number after 10:00 p.m., without the extra step of entering the blocking override PIN.

Since, in Tiliks, the call is placed depending on whether a call is being placed to a priority number, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Similarly, paragraph [0075] of Tiliks describes,

The call monitoring service also allows calls from the subscriber telephone to "escape" numbers, such as 911 and local fire and police departments, even during periods of call restriction, without the subscriber specifically identifying the escape numbers as priority numbers.

Since, in Tiliks, the call monitoring service also allows calls from the subscriber telephone to "escape" numbers, such as 911 and local fire and police departments, even during periods of call restriction, without the subscriber specifically identifying the escape numbers as priority numbers, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined

recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, in Tiliks, the call is placed, or connected, depending on the number the subscriber is trying to reach, or the number from which the call was placed. In particular, as described at paragraph [0083] of Tiliks,

For example, the subscriber may turn the call monitoring service ON or OFF, create a time of day, day of week schedule for restricting telephone calls, create and maintain lists of restricted telephone numbers (and groups of telephone numbers) for incoming and/or outgoing calls, and create and maintain lists of priority telephone numbers (and groups of telephone numbers) that are not subject to restriction regardless of other time or telephone number related restrictions.

Since, in Tiliks, the call is placed, or connected, depending on the number the subscriber is trying to reach, or the number from which the call was placed, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Similarly, as described at paragraph [0083]:

The subscriber may bypass any restrictions by entering a blocking override PIN, enabling the call to process normally.

Since, in Tiliks, the subscriber may bypass any restrictions by entering a blocking override PIN, enabling the call to process normally, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, in Tiliks, the attempted telephone call is *rejected* by the SCP 23, based on a match with the time of day, day of week schedule and the calling party number being an incoming restricted number. In particular, as described at paragraph [0094]:

In particular, FIG. 3 depicts an exemplary situation in which the attempted telephone call is rejected by the SCP 23, based on a match with the time of day, day of week schedule and the calling party number being an incoming restricted number (e.g., steps s214-s216 of FIG. 2), and in which the calling party (e.g., the subscriber) bypasses the call blocking feature implemented by the call monitoring service by entering a blocking override PIN.

Since, in Tiliks, the attempted telephone call is rejected by the SCP 23, based on a match with the time of day, day of week schedule and the calling party number being an incoming restricted number (e.g., steps s214-s216 of FIG. 2), and in which the calling party (e.g., the subscriber) bypasses the call blocking feature implemented by the call monitoring service by entering a

blocking override PIN, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Furthermore, in Tiliks, the *calling* party number is checked to see if it is on the incoming restriction list and whether the calling party number is on the incoming priority list. In particular, as described at paragraph [0096]:

Accordingly, the SCP 23 determines whether the subscriber telephone 25 is associated with the call monitoring service, whether the call blocking feature of the service is active according to the time of day, day of week schedule, whether the calling party number is on the incoming restriction list and whether the calling party number is on the incoming priority list.

Since, in Tiliks, the calling party number is checked to see if it is on the incoming restriction list and whether the calling party number is on the incoming priority list, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1.

Similarly, as described at paragraph [0096] of Tiliks,

FIG. 3 depicts the process whenever the SCP 23 determines at step 315 that the time of day, day of week schedule indicates that the call blocking feature is currently active and that the calling party number is on the incoming restriction list, but not on the incoming priority list. In other words, the call is blocked.

Since, in Tiliks, the call is blocked if the calling party number is on the incoming restriction list, but not on the incoming priority list, Tiliks is not "checking if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated," as recited in claim 1. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2-8 depend from claim 1 and add further distinguishing elements. Claims 2-8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2-8 is also earnestly solicited.

Claim 9:

The second clause of claim 9 recites:

Checking, upon receipt of a call and/or message, if a pre-defined availability status allocated to a predetermined recipient of the call and/or message is activated.

Tiliks neither teaches, discloses, nor suggests "checking, upon receipt of a call and/or message, if a pre-defined availability status allocated to a predetermined recipient of the call and/or

message is activated," as discussed above with respect to the rejection of claim 1. Claim 9 is thus also submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claim 10:

The second clause of claim 10 recites:

Causing a computer to check, upon receipt of a call and/or message, if a pre-defined availability status allocated to a recipient of the call and/or message is activated.

Tiliks neither teaches, discloses, nor suggests "causing a computer to check, upon receipt of a call and/or message, if a pre-defined availability status allocated to a recipient of the call and/or message is activated," as discussed above with respect to the rejection of claim 1. Claim 10 is thus also submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 10 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1-10 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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